

Message Text

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PAGE 01 BONN 07451 221355Z
ACTION COME-00

INFO OCT-01 EUR-12 ISO-00 AID-05 CEA-01 CIAE-00 EB-08
FRB-03 INR-10 NSAE-00 SP-02 STR-07 TRSE-00 LAB-04
SIL-01 OMB-01 L-03 /058 W
-----018812 221421Z /42

R 201753Z APR 78
FM AMEMBASSY BONN
TO SECSTATE WASHDC 7910
USDA/FAS WASHDC
INFO AMEMBASSY BRUSSELS
AMEMBASSY COPENHAGEN
AMEMBASSY DUBLIN
AMEMBASSY LONDON
AMEMBASSY LUXEMBOURG
AMEMBASSY PARIS
AMEMBASSY ROME
AMEMBASSY THE HAGUE

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USEEC ALSO FOR EMBASSY; FAS FOR OYLOE

E.O. 11652: N/A
TAGS: EAGR, GW
SUBJECT: EC DIRECTIVE ON STANDARDS OF FILL FOR BEER
CONTAINERS

REF: STATE 75963

1. AGATTACHE OFFICE CONTACTED RESPONSIBLE OFFICIAL
IN FEDMINECON INFORMING HIM OF US CONCERN ABOUT THE
EFFECT ON US EXPORTS OF BEER AND FRUIT JUICES OF THE
EC COUNCIL DIRECTIVE ON CONTAINER SIZES FOR LIQUID
FOODS (NO. 75/106 EEC). IN ADDITION, WE REQUESTED
FRG SUPPORT IN BRUSSELS FOR THE US POSITION. GERMAN
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OFFICIAL MADE THE FOLLOWING REMARKS:

2. AFTER LONG, DETAILED DISCUSSIONS, THE EC HAS DE-
CIDED ON THE 0.33 LITER CONTAINER (BOTTLE AND CAN) AS
THE PERMANENT STANDARD. THIS DECISION WAS BASED ON THE
FACT THAT MOST BEER BOTTLES USED IN THE EC HAVE A
CAPACITY OF 0.33 LITERS. REPORTEDLY, BEER CANS PRODUCED

IN GERMANY PREVIOUSLY HAD A CAPACITY OF 0.35 LITER. RECENTLY, HOWEVER, THE GERMAN INDUSTRY REPORTEDLY HAS ADJUSTED ITS PRODUCTION TO THE 0.33 LITER CAN. CONSEQUENTLY, IT IS NOW ALMOST IMPOSSIBLE FOR THE FRG TO ADVOCATE THE 0.35 LITER CAN. THE GERMAN OFFICIAL CANNOT ENVISAGE SUPPORT FOR SUCH A POSITION FROM ANY OTHER EC MEMBER COUNTRY. FRG IMPORTS OF US BEER ARE PRACTICALLY NIL. THE GERMAN OFFICIAL, HOWEVER, MENTIONED THAT GERMAN AUTHORITIES WOULD PROBABLY NOT OBJECT IF US EXPORTERS WOULD OVERFILL TO QUOTE 0.35 LITER UNQUOTE AS LONG AS THE CAN IS LABELED AS A 0.33 LITER STANDARD CAN. IT IS, HOWEVER, POSSIBLE THAT DOMESTIC COMPETITORS WOULD OBJECT TO SUCH A PRACTICE ON THE BASIS OF QUOTE UNFAIR COMPETITION UNQUOTE. EVEN THOUGH GERMAN COURTS SO FAR HAVE GENERALLY NOT OBJECTED TO AN OVERFILL OF CONTAINERS, THE OUTCOME OF ANY POSSIBLE FUTURE LEGAL PROCEEDING IS NOT CERTAIN.

3. THE SAME GERMAN OFFICIAL ALSO SUGGESTED THE POSSIBILITY OF IMPORTING FRUIT JUICES IN 0.35 LITER CANS LABELED AS A 0.33 LITER CAN BUT OVERFILLED TO 0.35 LITERS. THIS STRATEGY, HOWEVER, CARRIES THE SAME UNCERTAINTIES AS THE IDENTICAL SUGGESTION FOR BEER CANS. HE SEES PRACTICALLY NO BASIS FOR A GERMAN INITIATIVE IN BRUSSELS TO INCLUDE THE 0.18 LITER CAN AND/OR THE LIMITED OFFICIAL USE

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1.36 LITER CAN ON THE GUARANTEED ACCESS LIST. FURTHER MORE, GERMANY INTENDS TO FOLLOW THE EC DIRECTIVE AND EXCLUDE THESE THREE US SIZES AFTER DEC.31,1980. MEEHAN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: STANDARDS, CONTAINERS, ALCOHOLIC BEVERAGES, FRUITS
Control Number: n/a
Copy: SINGLE
Draft Date: 20 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978BONN07451
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780172-0641
Format: TEL
From: BONN USEEC
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780437/aaaabesd.tel
Line Count: 98
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 723501ab-c288-dd11-92da-001cc4696bcc
Office: ACTION COME
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 STATE 75963
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2908269
Secure: OPEN
Status: NATIVE
Subject: EC DIRECTIVE ON STANDARDS OF FILL FOR BEER CONTAINERS
TAGS: EAGR, GE
To: STATE USDA
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/723501ab-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014